

**City of Carson City
Agenda Report**

Date Submitted: April 19, 2013

Agenda Date Requested: May 2, 2013
Time Requested: 5 minutes

To: Mayor and Supervisors

From: Public Works Department, Landfill Division

Subject Title: For Possible Action: Action to find that the proposed ordinance amending the Carson City Municipal Code Title 12 – Water, Sewerage and Drainage, Chapter 12.12 – Solid Waste Management, Section 12.12.047 – Landfill rates and fees; by modifying rate classes, annually adjusting In-County Fees (1,000 lbs or greater) for MSW Compacted Category and other matters properly related thereto, does impose a direct and significant economic burden on a business or directly restrict the formation, operation or expansion of a business and that a business impact statement has been prepared, accepted and is on file with the Board of Supervisors and that the requirements of the act have been met. (Andrew Burnham)

Staff Summary: The Business Impact Statement is required since staff is recommending that the Board of Supervisors consider using an indexed rate increase to help cover inflationary costs at the Carson City Landfill. This would only apply to the MSW Compacted Category or only Capital Sanitation who receives the indexed increase as part of their franchise.

Type of Action Requested: (check one)
 Resolution Ordinance
 Formal Action/Motion Other (Specify)

Does This Action Require A Business Impact Statement: (XX) Yes, Completed () No

Recommended Board Action: I move to find that the proposed ordinance amending the Carson City Municipal Code Title 12 – Water, Sewerage and Drainage, Chapter 12.12 – Solid Waste Management, Section 12.12.047 – Landfill rates and fees; by modifying rate classes, annually adjusting In-County Fees (1,000 lbs or greater) for MSW Compacted Category and other matters properly related thereto, does impose a direct and significant economic burden on a business or directly restrict the formation, operation or expansion of a business and that a business impact statement has been prepared, accepted and is on file with the Board of Supervisors and that the requirements of the act have been met.

Explanation for Recommended Board Action: The proposed ordinance amendment has been presented the Carson City Area Chamber of Commerce and Capital Sanitation Company. To date, no objections have been received. A copy of the Business Impact Statement, along with the appeal petition form, is available at the public counter of the Public Works Department, 3505 Butti Way, Carson City, Nevada.

The index rate increases shall be based upon the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) – US City Average, Garbage and trash collection, as published by the Bureau of Labor Statistics, Washington, D.C., commencing with the index for the twelve month period ending December 31, 2012 and each percentage change annually thereafter. In no year shall the adjustment be less than zero or more than six percent (6%). The term shall coincide with the term of the Solids Waste and Recyclable Materials Franchise Agreement found at Chapter 5.10 of the Carson City Municipal Code.

Applicable Statute, Code, Policy, Rule or Regulation: NRS 237 Business Impact Statements

Fiscal Impact: NA


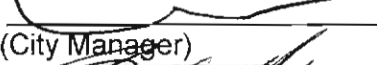
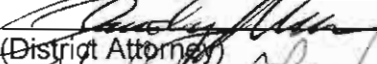

Explanation of Impact: NA

Funding Source: NA

Alternatives: Do Not Approve; Modify; Give additional direction to staff.

Supporting Material: Copy of the Business Impact Statement, letters to the Carson City Area Chamber of Commerce and Capital Sanitation Company, and any objections or comments received as part of the business notification process.

Prepared By: David Bruketta, Utility Manager

Reviewed By:  Date: 4/23/13
(Department Head)
Concurrences:  Date: 4/23/13
(City Manager)
 Date: 4/23/13
(District Attorney)
 Date: 4/23/13
(Finance Director)

Board Action Taken:

Motion: _____ 1) _____ Aye/Nay
2) _____ _____

(Vote Recorded By)

**PUBLIC WORKS
DEPARTMENT**

ADMINISTRATION
3505 Butti Way
Carson City, NV 89701-3498
Ph: 775-887-2355
Fx: 775-887-2112

FLEET SERVICES
3303 Butti Way, Building 2
Carson City, NV 89701-3498
Ph: 775-887-2356
Fx: 775-887-2258

OPERATIONS
(Water, Sewer, Wastewater,
Streets, Landfill, Environmental)
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**ENGINEERING/
TRANSPORTATION/
CAPITAL PROJECTS**
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Fx: 775-887-2112

**BUILDING and SAFETY
PERMIT CENTER**
108 E. Proctor Street
Carson City, NV 89701-4240
Ph: 775-887-2310
Fx: 775-887-2202

PLANNING
108 E. Proctor Street
Carson City, NV 89701-4240
Ph: 775-887-2180
Fx: 775-887-2278

HEARING IMPAIRED
Dial 711

CARSON CITY NEVADA
Consolidated Municipality and State Capital



March 16, 2013,

Ronni Hannaman
Carson City Chamber of Commerce
1900 South Carson Street, Suite 200
Carson City, NV 89701

Regarding: Proposed Ordinance amending landfill fees

Dear Ms. Hannaman:

On May 2, 2013, the Carson City Board of Supervisors will hear the first reading of a bill that will allow for indexed rate increases to Municipal Solid Waste (MSW), Compacted In-County Fees (1,000 lbs or greater) Solid Waste Category, at the Carson City landfill. Enclosed is the Business Impact Statement.

As required by NRS 237.080, "Prerequisites to adoption of a rule by local government" the City must provide pertinent information to all potentially affected businesses. You have fifteen working days to review and respond to the proposed amendment. Please respond in writing to my office by April 11, 2013. All comments will be included in the presentation to the Carson City Board of Supervisors for their consideration as part of the required Business Impact Statement.

If you have any questions, please contact me at 283-7357 or e-mail to dbruketta@carson.org.

Sincerely,

David Bruketta
Utility Manager
3505 Butti Way
Carson City, NV 89701

enclosure: Business Impact Statement

cc: Darren Schulz, Deputy Public Works Director

Chamber Rate Impact Letter 2013.doc

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HEARING IMPAIRED

Dial 711

CARSON CITY NEVADA
Consolidated Municipality and State Capital



March 16, 2013,

J.R. Romero
District Manager
Capital Sanitation
5560 Sheep Drive
Carson City, NV 89706

Regarding: Proposed Ordinance amending landfill fees

Dear Mr. Romero:

On May 2, 2013, the Carson City Board of Supervisors will hear the first reading of a bill that will allow for indexed rate increases to Municipal Solid Waste (MSW), Compacted In-County Fees (1,000 lbs or greater) Solid Waste Category, at the Carson City landfill. Enclosed is the Business Impact Statement.

As required by NRS 237.080, "Prerequisites to adoption of a rule by local government" the City must provide pertinent information to all potentially affected businesses. You have fifteen working days to review and respond to the proposed amendment. Please respond in writing to my office by April 11, 2013. All comments will be included in the presentation to the Carson City Board of Supervisors for their consideration as part of the required Business Impact Statement.

If you have any questions, please contact me at 283-7357 or e-mail to dbruketta@carson.org.

Sincerely,

David Bruketta
Utility Manager
3505 Butti Way
Carson City, NV 89701

enclosure: Business Impact Statement

cc: Darren Schulz, Deputy Public Works Director

Capital Sanitation Rate Impact Letter 2013.doc

BUSINESS IMPACT STATEMENT

The following business impact statement was prepared pursuant to NRS 237.090 to address the proposed impact of an Ordinance amending TITLE 12, WATER - SEWERAGE AND DRAINAGE, CHAPTER 12.12 - SOLID WASTE MANAGEMENT, SECTION 12.12.047 - LANDFILL RATES AND FEES, BY INCREASING THE MSW COMPACTED SOLID WASTE CATEGORY, IN-COUNTY FEE (1,000 LBS OR GREATER), USING INDEXED RATE INCREASES EFFECTIVE ON BILLS DATED ON OR AFTER June 1, 2013. The index rate increases shall be based upon the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) – US City Average, Garbage and trash collection, as published by the Bureau of Labor Statistics, Washington, D.C., commencing with the index for the twelve month period ending December 31, 2012 and each percentage change annually thereafter. In no year shall the adjustment be less than zero or more than six percent (6%). The term shall coincide with the term of the Solids Waste and Recyclable Materials Franchise Agreement found at Chapter 5.10 of the Carson City Municipal Code.

1. The following constitutes a description of the manner in which comment was solicited from affected businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

The proposed ordinance has been presented to Capital Sanitation Company and the Carson City Area Chamber of Commerce.

Zero (0) objections to the increase in compacted MSW, in-county fee (1,000 lbs or greater) have been received to date. A copy of this Business Impact Statement is available at the Carson City Public Works Department at 3505 Butti Way, Carson City, Nevada 89701.

2. The estimated economic effect of the proposed rule on businesses including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

- a. Adverse effects:

Currently, the Municipal Solid Waste (MSW) compacted rate for In-County Fees (1,000 lbs or greater) is \$24.00 / ton. The indexed rate increase for 2013 is 2.93%. This adverse effect will only impact business customers in this category, which is limited to Capital Sanitation Company.

- b. Beneficial effects:

The CPI-U US City Average, Garbage and trash collection varies year to year. The indexed rate increase for 2012 was 2.79%. In calendar year 2012, Capital Sanitation Company delivered 35,851 tons of compacted

MSW to the landfill. They were billed at a rate of \$24.00 / ton which resulted in \$860,439 revenue. If the proposed rate was enacted in 2012, it would have generated an additional \$24,006 in revenue. This increase will provide general fund revenue that will help cover the increasing cost associated with landfill operations and maintenance.

c. Direct effects:

The passage of this measure will increase compacted waste disposal fees directly to Capital Sanitation Company. They are the only business customer in this landfill disposal class. The increase will not impact fees associated with other users of the landfill.

d. Indirect effects:

The passing of this ordinance is sure to have indirect effects, however at this time, those effects cannot be quantified. Under the conditions of the Solid Waste and Recyclable Franchise Agreement, Capital Sanitation Company cannot in turn raise rates without approval of the Board of Supervisor.

3. The following constitutes a description of the methods that the governing body of the local government considered to reduce the impact of the proposed ordinance on businesses and a statement regarding whether any, and if so which, of these methods were used:

The Carson City Board of Supervisors did not implement this indexed fee increase at the landfill when they established the franchise agreement with Capital Sanitation Company. The franchise agreement provides this same indexed fee increase to Capital Sanitation Company.

Carson City has delayed capital investment in equipment at the landfill in order to avoid increased rates to the general public.

4. The governing body estimates that the annual cost to the local government for enforcement of the proposed ordinance is:

There should be no increase in costs, as the Carson City already has a billing operation in place that addresses rates and customer charges every day. If there is any cost impact it would be very small.

5. The proposed rule provides for a new fee or increases an existing fee and the total annual amount expected to be collected is:

Annual revenue collection will vary depending on compacted tonnage delivered to the landfill and the indexed annual rate change. For calendar year 2012, the increased revenue would have been \$24,006.

6. The proposed ordinance includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity. The following explains why such duplicative or more stringent provisions are necessary.

The proposed change is not duplicative, or more stringent than existing federal, state or local standards.

OBJECTION PROCESS

1. If a business believes it is aggrieved by a rule (as defined in NRS 237.060) adopted by the governing body, the business may object by filing a petition in writing with the clerk/secretary of the local government at 201 North Carson Street, Ste. 1, Carson City, NV 89701.
2. The governing body will accept such petitions for a period of thirty (30) days following approval of the subject Rule for one of the following reasons:
 - a. The governing body failed to prepare a business impact statement as required pursuant to NRS Chapter 237; or
 - b. The business impact statement prepared by the governing body did not consider or significantly underestimate the economic effect of the ordinance or rule on business.
3. Upon receipt of the petition, the clerk/secretary will forward a copy to the local government's attorney, the department/agency that generated the Rule and the local government's manager/chief executive.
4. Staff will consider the merits of the petition and forward a recommendation to the governing body.
5. The governing body will determine if the petition has merit and direct staff accordingly.
6. A sample petition is attached.